IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14058 of 2005

Between:

B.C. Welfare Association, rep. by its Vice-President,
G. Somappa Yadav, S/o. Yellappa, Adoni, Kurnool District.

..... PETITIONER

AND

1 The Director, Municipal Administration, Govt of A.P,
Hyderabad.
2 The District Collector, Kurnool, Kurnool District.
3 The Commissioner, Adoni Municipality, Adoni, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature Writ of Mandmaus to direct the respondents to conduct resurvey of the B.C. Voters providing opportunity to the petitioners association along with the 3rd respondent's staff for identification of B.C. Voters in Adoni Municipality, Kurnool District.

Counsel for the Petitioner: MR.K.RAMA KOTESWARA RAO

Counsel for the Respondents 1 AND 2: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the respondent No.3: Sri S.I.Newton.

The Court made the following:

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India seeking a Mandamus in the nature of direction to the respondents to conduct resurvey of the B.C. Voters providing opportunity to the petitioner's association along with the 3rd respondent's staff for identification of B.C. Voters in Adoni Municipality, Kurnool District.

The petitioner herein is the B.C. Welfare Association. In the affidavit filed in support of the writ petition, it is stated that the Government issued G.O.Ms.No.71 MA, dated 17-02-2005 wherein, certain guidelines has been issued for identification of B.C. Voters in the Municipalities. As per the said G.O., the respondents have to conduct survey for identification of B.C. Voters door to door as well as ward-wise. But the 3rd respondent-Commissioner published B.C. Voters ward-wise in Daily newspaper-Andhra Jyothi, dated 02-06-2005 inviting objections from the claimants. As per the survey, in entire Adoni Municipality 41 wards, identified 38103 and 18541 male and female voters respectively. In view of the same, the petitioner-association made a representation to the respondents on 04-06-2005 requesting to conduct a fresh survey in this regard. As the 3rd respondent-Commissioner, Adoni Municipality did not take any action, the petitioner-association conducted its own survey in Adoni town from 08-06-2005 to 12-06-2005 and found 31041 and 28908 are male and female B.C. Voters respectively. In view of the same, the petitioner- association in person submitted another representation dated 08-06-2005 to the 3rd respondent-Commissioner, Adoni Municipality, requesting to send their staff along with their association to conduct survey of B.C. Voters. It is the case of the petitioner-association that there is a difference in the number of B.C. Voters from the survey of the 3rd respondent-corporation and the petitioner-association. The grievance of the petitioner-

association is that though they made a representation dated 02-06-2005 and 8-06-2005 to conduct fresh survey for identification of B.C. Voters in Adoni Municipality, the 3rd respondent-Commissioner did not take any action in this regard. Therefore, with the above prayer, the petitioner-association filed the present writ petition.

When the writ petition came up for admission, the learned Standing Counsel for Municipality submitted that under the written instructions received through a letter dated 27-04-2005, from the 3rd respondent-Commissioner stating that as per G.O.Ms.No.71 M.A., dated 17-02-2005 conducted a survey and prepared ward-wise B.C. Voters list in Adoni town. The said letter was circulated to the local M.L.A. R.D.O., M.R.O., T.D.P. President, B.J.P. President, C.P.M. Party President, enclosing the ward-wise B.C. Voters list offering their objections within three days. But the 3rd respondent-Commissioner did not receive any objections from the above said personnel. Therefore, as per the schedule for identification of B.C. Voters in Municipalities, mentioned in the above said G.O., the 3rd respondent-Commissioner sent the finalized list to the 1st respondent-Director, Municipal Administration, Government of Andhra Pradesh, Hyderabad.

It is not in dispute that as per the said G.O., the existing term of the Municipal council will be expired by 28-03-2005 and therefore, the ordinary elections for the Office of the Members shall be taken up after identification of B.C. Voters. Therefore, the identification of B.C. Voters has to be completed at an early date to facilitate the reservation to the Office of the Chairperson and reservations of members for B.C. Category. In view of the same, the 3rd respondent-Commissioner prepared the B.C. Voters and offered objections from the concerned personnel.

Since the exercise of preparation of Voters' list and calling objections etc., has also been completed as per the schedule mentioned in the above said G.O., the grievance of the petitioner-association that conducting of fresh survey in regard to the Voters list does not arise. If they so aggrieved by the said preparation of the Voters list, it is open for the petitioner-association to obtain a copy of the B.C. Voters' list already prepared by the 3rd respondent- Commissioner in accordance with the above said G.O., from the office concerned, and submit their objections in this regard to the 1st respondent –Director, Municipal Administration, Government of A.P. Hyderabad. On filing of such objections, it is for the 1st respondent-Director, Municipal Administration, Government of A.P. Hyderabad to

pass appropriate orders in accordance with law in this regard.

With the above direction, the writ petition is disposed of. No costs.

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06-07-2005

Mjl/*

To,

1 The Director, Municipal Administration, Govt of A.P,
Hyderabad.
2 The District Collector, Kurnool, Kurnool District.
3 The Commissioner, Adoni Municipality, Adoni, Kurnool District.

4. 2 CCs to G.P. for Municipal Administration & Urban Development, High

Court Buildings, Hyderabad.

5. 2 CD Copies.